



ANNO SEXTO

GULIELMI IV. REGIS.

Cap. x.

An Act for making and maintaining a Turnpike Road and Branches leading from *Radcliffe* towards *Bolton* and *Bury*, all in the County of *Lancaster*.
[30th March 1836.]

WHEREAS the Road leading from the northerly End of *Radcliffe Bridge* in the Parish of *Radcliffe* in the County of *Lancaster* to the *Bury* and *Bolton* Turnpike Road at or near to the *Coach and Horses* Public House in the Township of *Ainsworth* in the said County, and the Road leading and branching from and out of the said first-mentioned Road at or near to a Place called *Hampson Square*, in the Parish of *Radcliffe* aforesaid, to the *Bury* and *Bolton* Turnpike Road aforesaid, at or near to a Dwelling House called *Ainsworth Lodge*, in the Township of *Ainsworth* aforesaid, and the Road leading and branching from and out of the said first-mentioned Road at or near to a Place called *Sandiford Turning*, in the Parish of *Radcliffe* aforesaid, to the *Prestwich* and *Bury* Turnpike Road at or near to *Hardy's Gate* in the Township of *Bury* in the said County, are much out of repair, narrow, and incommodious for the passing of Cattle and Carriages, and it would be of great Benefit, not only to the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments in the several Parishes and Townships aforesaid, but to the Public at large, if the said Roads were amended, widened, diverted, repaired, and made Turnpike; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by
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Trustees
appointed.

the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all His Majesty's Justices of the Peace for the Time being acting for the said County of *Lancaster*, together with *Richard Bealey, Adam Bealey, John Bealey, John Brettargh, Peter Chadwick Brettargh, James Brettargh, George Barlow, William Benson, Edward Bolling, William Bolling, John Bolling, Robert Barlow, Robert S Barlow, Stephen Blair, Ellis Chantler, Richard Denbam, Richard Daly, Thomas Foxley Clerk, Thomas Fletcher, Jacob Fletcher, Ralph Fletcher, James Fletcher of Hollins, Edmund Grundy the elder, of Park Hills, Edmund Grundy the younger, of Park Hills, Thomas Grundy, Robert Grundy, Alfred Grundy, John Grundy, William Goodlad, Thomas Hampson, William Hampson the elder, William Hampson the younger, William Hampson of Whittakers, George Hampson of Whittakers, Samuel Haworth, James Hutchinson the elder, Thomas Potter Hutchinson, Henry Hall, James Horrox of Mount Sion, Richard Horrox of Clark's Hill, William Hulton of Ainsworth, Andrew Knowles, Robert Knowles, Thomas Knowles, John Knowles, James Knowles, James Knowles Solicitor, Johnson Lomax, James Mather, Thomas Mather, John Nuttall, Thomas Parkinson Clerk, George Piggot, John Radcliffe, William Radcliffe, William Slade, James Sutton, Ellis Sutton, Robert Statter, William Slater, James Scowcroft, William Walker, Richard Woodward, Samuel Woodcock the elder, Thomas Yates, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for putting this Act into execution.*

Power to
appoint
additional
Trustees.

II. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered from Time to Time, at any of their Meetings to be held for that Purpose, to elect and appoint any Number of Persons, not exceeding Five in the whole, being duly qualified to act as Trustees of Turnpike Roads in *England*, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed, and such Trustees so elected and appointed shall be and they are hereby invested with the same Powers for executing this Act as if they had been hereby nominated and appointed.

First Meeting
of Trustees.

III. And be it further enacted, That the said Trustees shall hold their First Meeting at the House known by the Sign of the *Wilton Arms*, in *Radcliffe*, or at some other convenient House or Place in the Neighbourhood of the Roads, on the Second *Friday* next after the passing of this Act, or as soon after as conveniently may be; and the said Trustees shall then and there proceed to carry this Act into execution, and shall and may then and from Time to Time afterwards adjourn to and meet at such Time and Times and at such Place and Places in the Neighbourhood of the said Roads as they shall think proper.

Power to
make certain
Highways
Turnpike.

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to amend, widen, divert, repair, and make Turnpike the Highway or Road leading from the northerly End of *Radcliffe Bridge* in the Parish of *Radcliffe* in the County of *Lancaster*, passing from, through, or into the said Parish of *Radcliffe* and Township of *Ainsworth*, and terminating in the *Bury and Bolton* Turnpike Road at or near to the *Coach and Horses* Public House

in the said Township of *Ainsworth* in the said County, and the Highway or Road leading and branching from and out of the said first-mentioned Highway or Road at or near to a Place called *Hampson Square*, in the Parish of *Radcliffe* aforesaid, passing from, through, or into the said Parish of *Radcliffe* and Township of *Ainsworth*; and terminating in the *Bury* and *Bolton* Turnpike Road aforesaid at or near to a Dwelling House called *Ainsworth Lodge*, in the Township of *Ainsworth* aforesaid, and also the Highway or Road leading and branching from and out of the said first-mentioned Highway or Road at or near to a Place called *Sandiford Turning*, in the Parish of *Radcliffe* aforesaid, passing from, through, or into the said Parish of *Radcliffe* and the Townships of *Elton* and *Bury* in the said County, and terminating in the *Prestwich* and *Bury* Turnpike Road at or near to *Hardy's Gate* in the said Township of *Bury*, and also to make and erect Footpaths, Bridges, Arches, Culverts, Banks, Ditches, Drains, Fences, and other necessary Works on the Lines of the said Roads respectively.

V. And whereas a Plan describing the Line of the said Roads, and the Lands, Grounds, and Hereditaments through or over which the Diversions or Alterations are to be made, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, Grounds, and Hereditaments, have been deposited at the Office of the Clerk of the Peace for the said County of *Lancaster*; be it therefore enacted, That the said Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof, at their Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection; and at the Rate of Sixpence for every One hundred Words of such Copies and Extracts; and the said Trustees, in making the said Roads, or the Diversions or Alterations thereof, shall not deviate more than One hundred Yards from the Line described in such Plan, without the Consent in Writing first obtained of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands, Grounds, or Hereditaments such Deviation shall be made.

Plan lodged with the Clerk of the Peace to remain there, and be open to Inspection.

VI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Roads, Diversions, and Alterations into, through, across, and over the several Lands, Grounds, and Hereditaments of any Person or Persons who is or are or may be Owner or Owners or reputed Owner or Owners of Lands, Grounds, or Hereditaments over which the same is or are set out and described in the said Plan as aforesaid, although such Lands, Grounds, or Hereditaments, or the Name or Names of such Person or Persons, may happen to be erroneously stated in or omitted from the said Plan or Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by and under their Hands, that such Error or Omission proceeded from Mistake, or was not wilful.

Lands marked in the Plan may be used, notwithstanding Errors in the Book of Reference.

VII. Provided also, and be it further enacted, That the Powers given by this Act shall not extend to authorize the said Trustees to take or pull down or injure any Dwelling House or other Building, or to take in or make use of any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery,

Trustees not to take Houses, &c. without Consent.

Shrubbery, planted Walk or Avenue to a House, or any inclosed Ground planted or set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner thereof and Person interested therein first had and obtained.

Freehold of Lands purchased to remain in the Owners.

VIII. And be it further enacted, That in case any Lands shall be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands so purchased shall not by means of any such Purchase, or any Conveyance made in pursuance thereof, be vested in the said Trustees, but that the Freehold and Inheritance of and in the Lands so purchased shall, notwithstanding such Purchase and Conveyance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees; but the said Trustees shall, by means of such Purchase and Conveyance or either of them, be entitled to a perpetual Right of Way in or upon the Lands so purchased by them.

Trustees may nevertheless cut into the same.

IX. Provided always, and be it further enacted, That notwithstanding any Provisions herein contained the said Trustees shall have the same Power of cutting and digging the Lands and Hereditaments taken by them for the Purposes of this Act as the said Trustees would have had in case they had purchased the Fee Simple of the said Lands and Hereditaments.

As to Land purchased for the Road and not wanted.

X. Provided also, and be it further enacted, That if at any Time any Land purchased by the said Trustees for the Purpose of the Roads mentioned in this Act, or any of them, shall not be wanted for the same, then and in such Case the Right of Way in or upon the said Land vested in the said Trustees shall cease, determine, and be extinguished, and the Freehold and Inheritance of the said Land shall be and remain in the Person or Persons who were entitled to the same before such Purchase, freed and discharged of and from such Right of Way.

If Property not purchased within Two Years, the compulsory Power to take it to cease.

XI. Provided always, and be it further enacted, That if the said Trustees shall not, within the Space of Two Years from the passing of this Act, purchase the Lands, Tenements, and Hereditaments wanted for the Purposes of this Act, then and from thenceforth the Powers and Authorities hereby granted for enabling them to purchase and take or use the same shall, so far as relates to the Premises not purchased, cease, determine, and be utterly void, save and except and unless the said several Powers be exercised or carried into effect with the Consent of the then respective Owners and Occupiers of such last-mentioned Lands, Tenements, and Hereditaments, any thing herein contained to the contrary thereof in anywise notwithstanding.

Tolls.

XII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person, being a Lessee or Farmer or appointed Collector of the Tolls to be taken by virtue of this Act, to demand and take at each and every of the Toll Gates, Turnpikes, Side Bars, and Chains to be erected by virtue of this Act (unless the said Trustees shall otherwise order and direct) the several Tolls following; (that is to say,)

For every Horse or other Beast drawing any Coach, Berlin, Landau, Chariot, Chaise, Chair, Calash, Gig, Hearse, or other such like Carriage, the Sum of Three-pence:

For

For every Horse or other Beast drawing any Waggon or other such Four-wheeled Carriage with Wheels of the Breadth of Nine Inches and upwards on the Bottom or Sole thereof, the Sum of Four-pence:

For every Horse or other Beast drawing any Waggon or other such Four-wheeled Carriage with Wheels of the Breadth of Six Inches and less than Nine Inches as aforesaid, the Sum of Five-pence:

For every Horse or other Beast drawing any Waggon or other such Four-wheeled Carriage with Wheels of less Breadth than Six Inches as aforesaid, the Sum of Nine-pence:

For every Horse or other Beast drawing any Cart or other such Two-wheeled Carriage with Wheels of the Breadth of Six Inches and upwards as aforesaid, the Sum of Four-pence:

For every Horse or other Beast drawing any Cart or other such Two-wheeled Carriage with Wheels of less Breadth than Six Inches as aforesaid, the Sum of Five-pence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny:

For every Drove of Oxen or Neat Cattle, the Sum of Ten-pence *per* Score, and so in proportion for any less Number:

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in proportion for any less Number:

For every Carriage propelled or moved by Steam or Machinery, for each Wheel on which the same shall run, the Sum of Three-pence.

XIII. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation of the Amount of the Tolls by this Act granted or authorized to be collected, or any of them, the Sum of One Halfpenny shall be taken instead of such fractional Part.

Fractional Part of a Halfpenny in Tolls.

XIV. And be it further enacted, That in case the Toll hereby authorized to be taken shall at any Time or Times in any One Day have been paid for the passing of any Horse, Beast, Cattle, or Carriage through any Toll Gate, Turnpike, Side Bar, or Chain, such Horse, Beast, Cattle, or Carriage shall be permitted to repass once during the same Day Toll-free through the same Toll Gate, Turnpike, Side Bar, and Chain at which such Payment shall have been made, except in the Cases of Horses or Beasts drawing any Waggon, Cart, or other such Carriage, or of Carriages propelled or moved by Steam or Machinery, laden both on passing and repassing with any Loading of the Weight of Ten Hundred Weight or upwards, in all which said excepted Cases the Toll for the Horse or Horses, Beast or Beasts, drawing any Waggon, Cart, or other such Carriage, and for the Carriage propelled or moved by Steam or Machinery, so laden as last aforesaid, shall be payable and paid each and every Time such Waggon, Cart, or other such Carriage, or any Carriage propelled or moved by Steam or Machinery, so laden as aforesaid, shall pass or repass through any of the said Toll Gates, Turnpikes, Side Bars, and Chains, and also except as herein-after is mentioned and provided.

No Toll to be paid for repassing.

XV. Provided always, and be it further enacted, That not more than Two full Tolls, except as herein-after provided to the contrary, shall be payable for or in respect of the same Horse, Beast, Cattle, or Carriage for once passing and repassing on the same Day through all or any of

Limiting the Number of Tolls on the Roads.

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the Toll Gates, Turnpikes, Side Bars, and Chains to be erected across or upon the Sides of the said Roads by virtue of this Act; but that all and every the Horses, Beasts, Cattle, and Carriages in respect of which Two full Tolls shall have been paid for once passing and repassing on the same Day through any of the said Toll Gates, Turnpikes, Side Bars, or Chains, shall on the same Day be permitted to pass and repass once Toll-free through all and every other the said Toll Gates, Turnpikes, Side Bars, and Chains.

Stage
Coaches to
pay each
Time of
passing, and
Post Chaises
on each fresh
Hiring.

XVI. And be it further enacted, That the Tolls hereby made payable for or in respect of any Horses or Beasts drawing any Stage Coach, Van, Caravan, or other Carriage conveying Passengers for Pay, Hire, or Reward, or for or in respect of any Stage Coach, Van, Caravan, or other Carriage propelled or moved by Steam or Machinery used for the same Purpose, shall be payable and paid every Time of passing or repassing through all or any of the Toll Gates, Turnpikes, Side Bars, or Chains to be erected by virtue of this Act; and the Tolls hereby made payable for or in respect of any Horses or Beasts let out to Hire, or any Horses or Beasts drawing any Post Chaise or other Carriage let out to Hire, or any Carriage propelled or moved by Steam or Machinery which shall be let out to Hire, shall be payable and paid every Time of passing or repassing through all or any of the Toll Gates, Turnpikes, Side Bars, and Chains to be erected by virtue of this Act, whenever a fresh Hiring thereof shall take place.

Application
of Tolls.

XVII. And be it further enacted, That all the Monies already subscribed or advanced, or to be borrowed, subscribed, or advanced, for the Purposes of this Act, and all and every the Tolls and Sums of Money to be levied and collected by virtue of this Act, shall be applied for the Purposes and in the Manner following; that is to say, first, in paying all the Costs, Charges, and Expences incurred in and about the preparing, obtaining, and passing of this Act; secondly, in paying the Interest on the several Sums of Money already subscribed or advanced, or to be borrowed, subscribed, or advanced, for the Purposes and on the Credit of this Act; thirdly, in amending, widening, diverting, maintaining, repairing, and keeping in repair the said Roads hereby made Turnpike, and in making and erecting the said Footpaths, Bridges, Arches, Banks, Culverts, Ditches, Drains, Fences, and other necessary Works, and in erecting, removing, altering, and repairing Toll Gates, Toll Houses, Weighing Machines, and other Erections and Buildings, and of carrying the Purposes of this Act into execution; and lastly, in paying off the Principal Sums subscribed or advanced for the Purposes of this Act, or which shall be borrowed for the Purposes and on the Credit of this Act.

One-horse
Carts may be
weighed.

XVIII. And whereas great Injury hath frequently been occasioned to the said Roads by reason of the excessive Weight of Coals and other Goods placed upon Carts drawn by One Horse only; be it therefore enacted, That all Carts or other such Carriages passing along the said Roads or any of them, drawn by One Horse only or other Beast, shall and may be weighed at any Weighing Machine to be erected upon or for the Benefit of the said Roads or any of them, in the same Manner as Carts drawn by Two or more Horses are now liable to be weighed by Law, and the Weight next hereafter specified shall be allowed to every such Cart or other such Carriage drawn by One Horse as aforesaid; that

is to say, to every such Cart, together with the Loading thereof, Two Tons in the Summer from the First Day of *May* to the Thirty-first Day of *October*, both Days inclusive, and Thirty-five Hundred Weight in the Winter from the First Day of *November* to the Thirtieth Day of *April*, both inclusive; and it shall be lawful for the said Trustees, or any Person or Persons by them empowered to receive the Tolls granted by this Act, to demand and take such and the same additional Tolls for Overweight as are by Law liable to be paid in respect of Carts or other such Carriages drawn by Two or more Horses on Turnpike Roads; and all the Powers, Regulations, Penalties, Matters, and Things now in force relating to weighing of Carts drawn by more than One Horse on Turnpike Roads shall be applicable to Carts passing on the said Roads drawn by One Horse only or other Beast, and to the Drivers, Masters, and Owners thereof.

XIX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others. Public Act.

XX. And be it further enacted, That this Act shall commence and take effect upon the Second *Friday* next after the passing hereof, and shall continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament. Term of this Act.

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